



10-10-02

DAC #9

PATENT
Docket No. 14073US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF:)
Nelson et al.) EXPRESS MAIL NO. EL 929182366 US
SERIAL NO.: 09/656,325) Date: October 9, 2002
FILED: 9/6/2000)
FOR: NETWORKED ELECTRONIC)
ORDNANCE SYSTEM)
Examiner: T. Chambers)
Group Art Unit: 3641)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Dear Sir:

This application became abandoned for failure to respond to an Office Action mailed on October 30, 2001. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. The following facts are provided in support of this petition:

1. This application was filed with the United States Patent & Trademark Office (hereinafter "USPTO") on September 6, 2000.

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OFFICE OF PETITIONS

2. The original application papers included (a) an assignment from the inventors to Special Devices, Inc. (hereinafter “Special Devices”) and (b) a Power of Attorney By Assignee, which appointed the law firm of Lyon & Lyon, Suite 4700, 633 W. Fifth Street, Los Angeles, CA (hereinafter “Lyon & Lyon”) as attorneys of record. The Power of Attorney directed the USPTO to send all correspondence to Lyon & Lyon.
3. Through an Assignment executed on July 18, 2001, the entire right title and interest in this application was assigned from Special Devices, Inc. to PS/EMC West, LLC. (hereinafter “PS/EMC). The Assignment to PS/EMC was recorded in the USPTO on July 30, 2001 at reel 012025, frame 0713.
4. On August 13, 2001, PS/EMC, the assignee of record, filed a Revocation and Power of Attorney with the USPTO. Through this paper, PS/EMC revoked all prior powers of attorney and appointed the firm of Cahill, Sutton & Thomas (hereinafter “Cahill”) as its attorneys in connection with this application.
5. On August 21, 2001, the USPTO mailed a corrected filing receipt for this application to Cahill.
6. On August 27, 2001, the USPTO mailed a communication to Lyon & Lyon indicating that the Revocation and Power of Attorney appointing Cahill had not

been entered. Neither PS/EMC nor Cahill were apprised that the USPTO had refused to enter this paper.

7. On October 30, 2001, the USPTO issued an Office Action (hereinafter the "October 30 Office Action") setting a three month response date. The October 30 Office Action was mailed to Lyon & Lyon.
8. Lyon & Lyon failed to apprise PS/EMC or Cahill of the October 30 Office Action.
9. Lyon & Lyon failed to file a timely response to October 30 Office Action.
10. As a result of Lyon & Lyon's inaction, this application became abandoned.
11. On May 15, 2002, as Cahill and PS/EMC were unaware of the actions that had been taken by the USPTO in connection with this application, Cahill filed a status request with the USPTO.
12. On July 9, 2002, Cahill left a message for Examiner Aileen Baker requesting assistance in determining the status of this application. Examiner Baker was contacted because the USPTO directory identified her as one of the examiners for Group Art Unit 3641, the Art Unit assigned to this application.

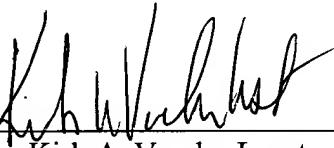
13. On July 9, 2002, PS/EMC, through its attorneys (Cahill), first became aware of the October 30 Office Action and the fact that this application had become abandoned. This information was contained in a voice message that Examiner Baker left with Cahill.
14. This Petition is being filed within three months of when PS/EMC was first notified that the application had become abandoned.

A proposed response to the above-noted Office Action in the form of a Amendment and Request for Reconsideration is enclosed.

A check in the amount of \$1280.00 is enclosed to cover the petition fee under 37 CFR § 1.17(m). Please charge any additional fees or credit any overpayment to our Deposit Account No. 13-0017.

Respectfully submitted,

By:


Kirk A. Vander Leest

Date: October 9, 2002

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